

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ROBERT VENCENT VASQUEZ,

Plaintiff,

v.

No. 20-cv-0612 RB/KRS

GEO GROUP INC., et al,

Defendants.

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court on review of the record. Pursuant to the Court granting Plaintiff's Motion for Leave to File an Amended Complaint, Plaintiff filed his Second Amended Complaint on June 1, 2021. (Doc. 13) ("Complaint"). Plaintiff is incarcerated and was proceeding *pro se* until April 29, 2022, when counsel entered an appearance on Plaintiff's behalf. (Doc. 36). Plaintiff brings claims against Defendants Julie Jones; Alisha Tafoya-Lucero; GEO Group, Inc.; Janine Rodriguez; Centurion Correctional Healthcare; Wexford Health Sources, Inc.; Christopher Brawley; Matt Meehan; and Gina Lutz under 42 U.S.C. § 1983 for deliberate indifference to a serious risk of harm and retaliation. Plaintiff alleges that fellow inmates stabbed him on January 28, 2019, at the Northeast New Mexico Correctional Facility (NNMCF), and that NNMCF medical officials delayed emergency care, leading to emergency surgery and the removal of Plaintiff's spleen. When Plaintiff was transferred to another prison, medical professionals allegedly refused to dispense treatment as prescribed, and the grievance coordinator failed to forward Plaintiff's request for emergency intervention.

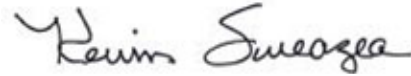
On September 22, 2021, the Court found that Plaintiff's Complaint, (Doc. 13), survives review under 28 U.S.C. § 1915A and Fed. R. Civ. P. 12(b)(6), and ordered the Clerk's Office to issue notice and waiver-of-service forms for each Defendant using the addresses listed in the

Complaint. (Doc. 15). Defendants Jones, Tafoya-Lucero, Rodriguez, and Meehan (New Mexico Corrections Department “NMCD” Defendants) filed an Answer to the Complaint on November 23, 2021, and Defendant Brawley filed an Answer to the Complaint on December 3, 2021. (Docs. 31 and 33). On December 22, 2021, counsel for Defendant Wexford Health Sources, Inc., entered an appearance in this case. (Doc. 34). The docket reflects that all Defendants were served via U.S. postal mail on September 24, 2021, and the mail to Defendants GEO Group and Lutz was returned as undeliverable. (Docs. 18 and 29). Plaintiff filed a notice of a second address for GEO Group on November 8, 2021, and the docket reflects that the notice and waiver-of-service forms were mailed to that address the same day. (Doc. 27).

To date, the record shows that no answer or entry of appearance has been filed by Defendants GEO Group, Centurion, or Lutz. It appears that the addresses provided by Plaintiff for service of process on these Defendants are incorrect or outdated. The Tenth Circuit explains that “the onus [is] squarely on plaintiffs to track down the whereabouts of defendants to effectuate service—rather than obliging the courts to assist in this endeavor—even when plaintiffs are in prison.” *Washington v. Correia*, 546 Fed. Appx. 786, 789 (10th Cir. 2013) (unpublished). Furthermore, Federal Rule of Civil Procedure 4(m) provides that an action must be dismissed without prejudice if a defendant is not served within 90 days after the complaint is filed, absent a showing of good cause for the failure to serve. Therefore, the Court will order Plaintiff to provide valid, current addresses for Defendants GEO Group, Centurion, and Lutz for service of process in compliance with Federal Rule of Civil Procedure 4. Failure to comply with this Order may result in dismissal of Plaintiff’s claims against these Defendants without further notice.

IT IS THEREFORE ORDERED that **by May 16, 2022** Plaintiff shall file a response to this Order to Show Cause providing valid, current addresses for serving process on Defendants GEO Group, Inc; Centurion Correctional Healthcare; and Gina Lutz, or show cause why his claims against these Defendants should not be dismissed.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE